IN THE HIGH COURT OF JUDICATURE AT BOMBAY
SIDE JURISDICTION
CRIMINAL APPLICATION NO.544 OF 2007
IN
CRIMINAL APPEAL NO.439 OF 2007

1. Bhanudas Ramchandra Jadhav
2. Sou. Sampata Bhanudas Jadhav
3. Atul Bhanudas Jadhav
4. Rahul Bhanudas Jadhav. ...Applicants.

V/s.

The State of Maharashtra & Anr. ...Respondents.

Shri Umesh Mankapure, adv. for the Applicants.
Shri D.P.Adsule, APP for the Respondent/State.

CORAM: J.H.BHATIA, J.
DATE : 4th May, 2007.

P.C.:

1. Heard Mr.Mankapure the learned counsel for the applicants and Mr.Shinde the learned APP for the State. Perused the impugned judgment.

2. The applicants, who are original accused nos.1 to 4, seek to be released on bail pending their appeal against the conviction and sentence for the offences punishable under Sections 304-B, 498A and 306 of the I.P.C.. For the offence punishable under Section 304(B), R.I. for 7 years and for other two offences, R.I. for 3 years and two years respectively with fine was awarded.

3. Prosecution case in brief, is that the deceased

Varsha was married to the accused no.3 Atul on 10-6-2006. Deceased Varsha and her husband both are deaf and dumb. She was hearing a bit with the help of hearing aid. For 3 days after marriage, they were busy in paying visits to temples and in performing Pooja. On 14th June, 2006, she went to her parents place and thereafter on 6th July, 2006 she went to live with her husband. On 9th July, 2006 her father had paid visit to her house and on 10th July, 2006, she committed suicide by hanging herself. Thus, within one month after the marriage, she committed suicide. Accused no.1 is father, accused no.2 is mother and accused no.4 is brother of accused no.3. It is alleged that they treated her with cruelty on the ground of certain payment of dowry. The learned counsel for the applicant has taken me through the record and the allegations made against each of the accused. It is not necessary to go to the merits of the case at this stage. It may be pointed out that in view of the facts and the allegations, which were made almost 12 days after the F.I.R. in the supplementary statement, applicants were granted bail during the trial. There is no allegation that they had misused the bail.

4. Taking into consideration all the circumstances and the nature of the allegations made against the

applicants, I find that it is a fit case to grant bail pending the appeal.

5. Therefore, the applicants are hereby granted bail pending the appeal on same terms and conditions as before the trial Court subject to their furnishing fresh bail bonds and depositing fine amount.

(J.H.Bhatia,J.)